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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,922	02/11/2004	Jason Schripsema	857 018	2378
25191	7590	03/07/2006	EXAMINER	
BURR & BROWN PO BOX 7068 SYRACUSE, NY 13261-7068			DEBERADINIS, ROBERT L	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/776,922

**Applicant(s)**

SCHRIPISEMA ET AL.

**Examiner**

Robert DeBeradinis

**Art Unit**

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-13,15,17,20,-22,32,63,79,84,90 and 92 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,32,63,79,90 and 92 is/are rejected.
- 7) ☒ Claim(s) 5-7,9-13,15,17,20-22 and 84 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/22/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Oath/Declaration***

It was not executed in accordance with either 37 CFR 1.66 or 1.68.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 4, 32, 63, 79, 90, 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over LAGOD 6,583,521.

Regarding claims 1, 32, 63, 90, 92.

LAGOD teaches an energy management system which includes on-site energy supply wherein the controller senses the demands of the various loads and operates to distribute the loads among the generators (col. 5, lines 18-22).

LAGOD is silent as to the placement of sensors and the main panel and sub panel configurations which are obvious parts of an energy distribution system and would be obviously configured to obtain information regarding the utilization of the individual on site generators such as the total power utilization at the consumer's site (col. 8, lines 31-50).

It would have been obvious to one having ordinary skill in the art at the time of this invention to have arranged the panels, sub-panels and sensors for a power distribution system in order to control the distribution of power to a site.

Regarding claim 4.

LAGOD discloses an energy management system which includes on site energy supply wherein each generator which is operating can provide information to the on site controller regarding its power output (col. 8, lines 12-30).

LAGON does not disclose display.

It is obvious to one having ordinary skill in the art that the controller would be able to display information to the operator.

Regarding claim 79.

LAGON discloses at least one site facility energy producing system providing information regarding the utilization of the on site generator (col. 8, lines 31-39).

LAGON is silent as to a display for displaying the information.

The use of displays to display information is obviously well known in the art. It would have been obvious to one of ordinary skill in the art at the time of this invention to add a display to display the real time power provided to the system.

Claims 2, 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over LAGOD 6,583,521 in view of McDonald 5,270,896.

Regarding claims 2, 3.

LAGOD discloses the monitor as recited in claim 1.

LAGOD does not disclose the sensor or the components that configure the sensor to sense the required current and voltages to control the distribution of power.

McDonald teaches a transformer configured to sense a net current flowing in a power connection.

The ability to configure components to measure and monitor is obvious to one having ordinary skill in the art.

It would have been obvious to one having ordinary skill in the art at the time of this invention to arrange sensors in the power distribution system to control the distribution of power to different loads.

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***Allowable Subject Matter***

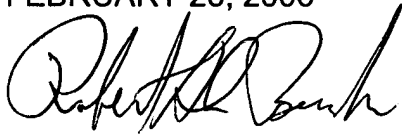
Claims 5-7,9-13,15,17,20-22, 84 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Robert L. DeBeradinis whose number is (571) 272-2049. The Examiner can normally be reached Monday-Friday from 8:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Sircus, can be reached on (571) 272-2058. The Fax phone number for this Group is (703) 872-9306.

RLD

FEBRUARY 23, 2006

A handwritten signature in black ink, appearing to read 'Robert L. DeBeradinis', written in a cursive style.

**ROBERT L. DEBERADINIS  
PRIMARY EXAMINER**